

NOV 14 1994



# Status Report

NOVEMBER 1994

## The letter of the law

### Learning Disabilities Association challenges school board's autonomy

At first glance, it seemed a bit like David battling Goliath: the Learning Disabilities Association of Alberta (LDAA), an organization composed primarily of concerned parents of kids with learning disabilities, challenging the spending habits of one of the province's largest school boards, the Edmonton Public. The arena was the Court of Queen's Bench, and to the astonishment of many observers, LDAA emerged the victor — a result that has the potential to alter the face of education in our province.

The story began unfolding in February, when Alberta Education announced it was cutting funding for kindergarten from 400 hours to 200 per student a year. School boards across the province scrambled to respond to this news. Some decided to provide the minimum 200 hours. Some, like the Calgary Public, decided to continue providing 400 hours or more, levying a user fee to top up funding. And some, like the Edmonton Public, decided to provide 400 hours or more by diverting money intended for students in Grade 1 to 12 programs, despite concerns that such a move could be illegal.



Edmonton Public made that decision in June. A month later, LDAA launched its legal challenge. On August 19, LDAA made its case before Justice Eileen Nash. The essence of their argument was that under the recently revised School Act, money provided through grants from the Alberta School Foundation Fund are for the use of students enrolled in mandatory Grade 1 to 12 programs, and that children enrolled in kindergarten (not mandatory) are not students, and therefore not entitled to those funds. Therefore, the Edmonton Public had exceeded its jurisdiction by diverting funds to kindergarten. Predictably, Edmonton Public responded that they should be entitled to use allotted funds in a discretionary manner that they saw as best addressing the needs of the community, and that they had been following this philosophy for more than 90 years.

Justice Nash's ruling, which was delivered before a packed courtroom on August 30, proved to be a clear victory for LDAA. In her

decision, Nash quashed Edmonton Public's request to divert funds to kindergarten, her rationale closely following that of the argument put forward by LDAA's lawyer. She also explained, in no uncertain terms, that if the board wanted to proceed with 400 hours of kindergarten, it would have two choices for funding: charge user fees, or hold a plebiscite in the next municipal election to determine if residents are willing to pay additional taxes.

Naturally, the media mainly focused on the kindergarten issue. The few that gave thought to LDAA's victory assumed that the association was simply concerned with recouping lost dollars from programs for kids with learning disabilities. In fact, LDAA was not particularly worried that the funds Edmonton Public intended to divert this year would drastically affect learning disabled programs.

"It's not as if we see \$3.5 million going directly into programs for kids with disabilities," says Sandra Dowie, a

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## Message from the Chairperson

# Good laws are not enough

Gary McPherson

In this province, some excellent work has been done by Alberta Labour to develop standards of accessibility for public facilities. These standards are contained in the pages of the Alberta Building Code, and are further clarified to any interested parties in a supplementary publication, the Barrier Free Design Guide.

One would assume that anyone involved in constructing a new public building or renovating an existing one would be aware of the standards set out in the Building Code, and that those standards would be included in construction or renovation as a matter of course. At the very least, you would think that there must be some mechanism in place — an inspection or approval process — that would ensure accessibility, even if the contractors or

is to undergo major renovations, it is to be brought up to Code. And Code for a sports arena means one wheelchair space for every 125 seats. In other words, the Coliseum, with some 17,000 seats, should have at least 136 spaces for wheelchair users. In addition, the Code stipulates those spaces have to be distributed throughout the facility, not lumped together into a “wheelchair ghetto” which has always been the case at the Coliseum.

Perplexed, I dug deeper. I contacted Bob Walker, the project coordinator, and arranged a tour. I was impressed with some of the renovations. For instance, the bathrooms are infinitely more accessible, and visual emergency alarms will certainly be appreciated by deaf patrons. But my fears were confirmed: nothing had been done to increase wheelchair seating. As well, there were other standards of the Building Code which hadn't been addressed, such as including an FM assistive listening system to allow hard of hearing patrons access to what's being said on the PA system.

How could this have been allowed to happen, especially with such an important public facility? After considerable investigation, I believe that all parties involved have to share in the responsibility, including the architect, who must draw plans to Code; the city's planning people, who should ensure the plans meet Code before approval is given; the builder, who should ensure that what he's building meets with the Code; and the building inspector(s), who should know enough of Code requirements that he/she could spot such deficiencies.

Another body which must share the blame in this case is the City of Edmonton Advisory Board on Services for Persons with Disabilities. This group met with the builder to review construction and offer advice on three separate occasions, yet they didn't spot the deficiency. Should bodies like this be offering advice if they aren't familiar with the Building Code? As for Peter Pocklington, I honestly believe he thought he was doing the right thing. The Oilers' owner doesn't build, he has people build for him.

Regardless of who's to blame, the bottom

line is that potentially litigious deficiencies have been exposed. But it's important to stress how cooperative and accommodating project coordinator Bob Walker has been and continues to be. I recently viewed preliminary drawings outlining how he will bring the facility up to the required amount of wheelchair seating. Mr. Walker certainly appears more than willing to correct the situation.

How, then, to ensure this doesn't happen again? While vigilance from the community can catch some infractions, it can't catch them all. I suggest a long look at the governing body is needed. While the standards are excellent, Alberta Labour seems to be lacking a convincing method — a sort of watchdog mechanism — that ensures compliance with the Building Code. Laws are fine, but without police, there will always be those who bend and even break them. Building inspectors would seem to be the logical policemen in this case, but apparently, once plans are drawn, building inspectors come into play only to ensure that construction follows the plans. The Premier's Council will attempt to open some lines of communication with Alberta Labour, with the goal of solving this problem.

One final note on this subject — Calgary's Saddledome also has an upcoming retrofit. However, the Saddledome has long had close to the required number of seats (96). While the building will not be brought up completely to Code, the people in charge of the project say they've had considerable high-quality input from the community, and that renovations for accessibility are expected to be more of a fine-tuning than an overhaul.

In closing, I would like to add a few words about Paul Scott, Executive Director of the Alberta Chapter of the MS society, who passed away on September 21, 1994. Paul and I were only acquaintances, but I knew him well enough to say that we have all suffered a profound loss. His clear vision, balanced leadership, and optimism in the face of massive change were qualities that made him a champion of persons with disabilities. I know I speak for the entire Council when I say that we will miss Paul dearly. ♦

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**“... the Coliseum, with some 17,000 seats, should have at least 136 spaces for wheelchair users.”**

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architects hadn't followed the Building Code.

Well, I've recently received a rude awakening to the fact that this isn't the case. The building in question is none other than the home of the Edmonton Oilers, Northlands Coliseum. Recently, Oilers' owner Peter Pocklington received a significant infusion of public funds — some \$15 million — to renovate the Coliseum.

During construction, the *Edmonton Journal* published a well-intentioned article explaining how the renovations were going to result in 50 wheelchair seats, up from 26. Being a season ticket holder of wheelchair seating for over a decade, this immediately caught my eye, because I knew that the Coliseum already had the potential for more than 50 wheelchair seats, even if some were being utilized by able-bodied fans. More importantly, a quick check in the Alberta Building Code revealed that if a public facility



# Alternative communications

## Government policy on the horizon

Two years ago, the Council released the report *Alternative Communications: Issues and Strategies for People with Alternative Communication Needs*. As the title suggests, this report addressed the specific communication needs of people who are blind, deaf, or have some other disability preventing communication in standard formats.

The Premier's Council believes that the most important recommendation contained in this document was for the provincial government to develop an alternative communications policy. This policy would have to ensure that people who use alternate communication formats would have their needs met when accessing information from government (i.e. large print documents for people with visual impairments, audio tape documents for blind people, sign language interpreters at public meetings



*People with alternate communication needs should soon have easier access to government information.*

serves to introduce the topic of alternative communications in layman's terms. The conclusion of the first section leaves no doubt as to the intention of the guidelines: "Making sure everyone has the same opportunities includes protecting the right to have access to information. But this right is overlooked when people with a visual or hearing disability are given information in conventional print and video formats they cannot use."

The second publication, *How to provide alternative formats*, is a comprehensive guide targeted at communication directors and others producing communication materials for the federal government. This 57 page document is also concise and well-written, and contains a plethora of practical how-to information for specific formats. Of particular interest

are sections on controlling costs and long-range planning.

Both documents were produced with input from a large number of stakeholders, including the Canadian Council of the Blind, the Canadian Disability Rights Council, and the Canadian Hard of Hearing Association. Utilized correctly, they should result in much easier access to government information for all people with alternative communication needs.

For complimentary copies of these documents in the format of your choice, contact Distribution Centre, Treasury Board of Canada Secretariat, Ottawa, Ontario K1A 0R5 Tel. (613) 995-2855 Fax: (613) 996-0518 TTY: (613) 957-9090. ♦

## Status Report

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**Status Report** is published quarterly by the Premier's Council on the Status of Persons with Disabilities and is intended to provoke discussion of issues concerning persons with disabilities. **This publication is also available on audio cassette** by contacting our office at:

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for deaf people).

Lo and behold, a policy is on the horizon. Already in draft form, it is currently being reviewed to see how it relates to the Access to Information Act. According to Alberta Education Communications Director Garth Norris, who authored the draft, an approved policy should be issued to departments for compliance by year end.

Meanwhile, the federal government has had alternative communication guidelines in place since December, 1993. Two documents detailing the initiative have been circulated to all relevant departments, institutions, and other arms of the government. The first is an introductory pamphlet titled *Alternative formats: Access for all*. This concise pamphlet

## Thumbs up...

...to the CBC Sports' excellent job of broadcasting the Victoria Commonwealth Games and, in particular, the outstanding coverage given to disabled athletes and the events they competed in. For the first time ever, the Games featured the full integration of disabled athletes with their able bodied counterparts.

## Thumbs down...

...to Alberta's Law Enforcement Appeal Board, which, in overuling a deaf Calgarian's complaint of excessive force by Calgary police, concluded that people with disabilities have a "lower frustration threshold" than "completely functional individuals" when dealing with authority figures. Where's the proof?



## Message from the Executive Director Council Activity Update

Fran Vargo

**F**ive months on the job — can it really be so long? Although Eric Boyd is truly missed, the staffing transition in the Council secretariat has been smooth, thanks in large measure to our Executive Assistant, Wendy Buckley. She's the only one who really knows how things work and what to do when they don't.

My job has also been made easier by our good fortune in finding such a competent and knowledgeable person as Diane Earl to join our team. She has experience in a broad range of disability issues, and is our expert in matters pertaining to barrier free transportation and Building Code standards for accessibility.

Speaking of the Building Code, it is due for revision again in 1995. The Barrier Free Design Committee has been assembled and will be meeting over the next few months to prepare recommendations for revision to the Code. The Safety Codes Council is the umbrella organization that will eventually deliver recommendations for Building Code changes to the Minister of Alberta Labour. This is a new Council and its relationship to the Barrier Free Design Committee is not yet clear. Diane will report in the next issue of *Status Report*.

What follows is an update on other activities recently undertaken or affecting the Council.

### Analysis of three year business plans

Over the summer, the Premier's Council hired a consultant to do an analysis of the impact of government department business plans on people with disabilities. The *Action Plan* (1990) was used as the basis for comparison between what had been recommended and the directions government is now taking. Disability organizations will be provided with a copy of the analysis in November.

The situation is changing rapidly in departments and programs, so it has been difficult to pin down actions and implications. One thing that is very clear is the expectation of government that Albertans will become

more self-reliant, and that communities will have a greater role in determining what services government offers and how they are delivered.

The result of this could be positive or negative — if people with disabilities are not accepted as part of the community, and/or their needs are not considered important to the community as a whole, they will have little share of the resources. Making, and being seen to make, a contribution to one's community has never been more important.

A second trend that is clear in government is the shift in emphasis from input (how many staff, how much money is spent, how many reports are produced) to outcome (how well was a service performed, what impact did a program have).

This has serious implications for government funded agencies as well as government departments. In future, funding will go to those who produce the best outcomes at the best price. Naturally, this will impact service providers: demonstrating benefit to individuals can sometimes be difficult.

This new emphasis will also create opportunities for people with disabilities to have an increasing say in which services meet their needs and which do not.

### Review of Canadian social security system

The long awaited federal government discussion paper on reform of Canada's social security system has finally arrived. For people with disabilities, the paper does little but acknowledge their existence. However, the frequency with which they are mentioned suggests that the federal government would like some input. The one ray of hope for significant reform is the mention of the Roehrer Institute proposal that advocates for the separation of disability supports from income support.

A number of supplementary documents will be released as they become ready. One focuses on disability. Public consultations will be held in Edmonton on November 18 and 19, and in Calgary on November 22. In addition

to these consultations, there are other ways to give input.

For information or to receive copies of Social Security Reform documents, phone 1-800-735-3551 (voice) or 1-800-465-7735 (TTY).

### Community Rehabilitation Program

As reported in the last issue of *Status Report*, Alberta Health is proceeding with the development of a Community Rehabilitation Program. Initially, it will include physical therapy, occupational therapy, speech pathology, audiology and respiratory therapy. Some of the goals are to improve access to these services, especially for people who require more than one of these therapies; to remove some of the limitations on service; and to increase the involvement of Albertans in injury prevention.

As part of the shift away from fee for service (fees paid by Alberta Health Care Insurance to practitioners), physical therapists were granted direct access, effective October 1, 1994. This means that individuals can now go directly to the physical therapist without a doctor's referral. Of course, doctors can still refer people to physio, and doctors and therapists will continue to work together, but it is no longer a requirement to see a doctor first.

The Community Rehabilitation Program is scheduled to be handed over to the Regional Health Authorities early in the new year. Until that time, services will continue as they have been.

There are many initiatives about which no decision has been made: Commission on Services for Children, School-Health negotiations, and VRDP review. Updates on these and other developments will be provided in *Status Report* as information becomes available.

Finally, for those of you who may be wondering — Eric is fine, he loves Ottawa and his new position with CPA, but he says he's working his butt off! ♦



# Designated parking abuse

## Who's really bending the rules?

Diane L. Earl, Director of Research and Policy Review

**W**hat's considered to be abuse of parking stalls which have been designated for the use of persons with disabilities?

An immediate response might be, "Well, that's easy — anyone who parks in a designated stall without the identifying placard or license plate." While that is indeed abuse, there is a great deal of abuse taking place by those who do have a placard displayed in their vehicle.

Who are these "other" abusers? They are friends, family members and employees of people who have the parking placards. And they are the placard registrants themselves. What follows are two scenarios. You decide for yourself if either is abuse.

In the first scenario, you approach a designated parking stall and find it's being used. The car has a parking placard, but as you watch, the sole occupant — a young man — literally jumps out the door and sprints into the supermarket. Obviously, this doesn't appear to be an individual who is "limited in his ability to walk more than 200 metres unassisted". When you ask him why he's parking there, he tells you he's driving his mother's car, who is the placard holder, and that because the placard is being displayed, he's allowed to park in the designated stall.

In the second scenario, you park your car in a designated stall. In the designated stall next to you is a man sitting in the driver's seat of a car displaying a placard. A passenger, who doesn't appear to have a disability, gets out of the car. When you question these people, you find out that the person driving the car is disabled but has no intention of getting out of the car. The driver explains that the person getting out of the car is his wife, and he feels that because she is going into the building to do business for him, they have the right to park in the designated stall.

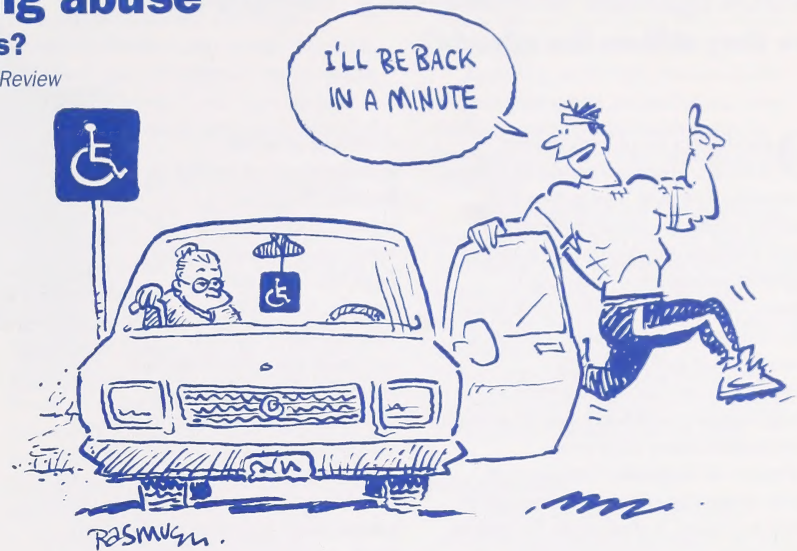
Are these people abusing the use of the designated parking? My response, and hopefully yours as well, is that this is abuse of the worst kind. With a limited number of designated stalls available, and so many who need them, I expect people who have placards to realize the stalls aren't there for the

convenience of every friend or family member who happens to use their car. The parking stalls are there for those who really need them.

As a regular user of designated parking, I've witnessed increasing amounts of this abuse over the years. Perhaps the reason for this is that it's practically impossible for municipalities to do anything about it. "We do not investigate people in designated parking, if the placard is displayed, to check if the people using the stall are the actual registrants or if the person with the disability is exiting the vehicle," says Warrant Officer Al McMillan, Parking Control Division, Calgary Police Service. McMillan feels that the only way this abuse can be stopped is through "education of the registrants themselves". The Traffic Division of the Edmonton Police Service also reports that they only rely on the displayed placard as an indication that the stall is being used legitimately.

I believe that there is a solution to this problem, and it doesn't involve anything as tedious as rewriting legislation to clearly spell out how the stalls are to be used. My solution is that we simply begin to police ourselves and others on the correct use of stalls. The situation calls for common sense, responsibility and a little more selflessness.

Until we stop our own abuse, we shouldn't complain about the general public who park in the stalls without a placard. ♦



### Disability Parking Program History, eligibility & enforcement

- The purpose of the placard program is to provide a recognizable method for law enforcement officials to enforce parking restrictions and to ensure that designated parking zones are available.
- In 1990, the Alberta Building Code was amended to include the requirement and standards of designated parking at public facilities where on-site parking is provided.
- In 1991, in response to the Premier's Council Action Plan, Alberta Transportation and Utilities amended the Highway Traffic Act to permit municipalities to enforce correct use of designated parking on both public and private land where the public ordinarily parks, such as shopping malls.
- In 1991, the Motor Vehicle Division (now Alberta Registries) reviewed and revised the eligibility criteria for the Disabled Persons Placard Program. The program was subsequently restricted to those who are unable to walk more than 200 metres unassisted.
- This review resulted in the number of placards across the province being reduced by as much as 25%. However, the number of people who will be eligible for parking placards is expected to increase as our population ages.



# Aboriginal disability issues

## Are they still on the agenda?

**D**isability is a big problem among Alberta's Aboriginal people. In essence, the problem is twofold. The incidence of disability among the country's Aboriginal people is significantly higher than in that of the general population — according to Statistics Canada (1991), almost three times higher among those of working age (between 15 and 64). Add to that the sheer inaccessibility and lack of services on the average reserve or settlement, and the problem is compounded many times over.

Despite the magnitude, there seems to seldom be any discussion of the issues in the media. As a result, it often seems like nothing is being done to address the problem. In reality, that is not the case. While not well publicized, action is being taken by many stakeholders, including the provincial and federal governments, as well as those at the grassroots level — Aboriginal consumers.

### The Consumer Perspective

A province-wide organization of Aboriginal people with disabilities? It's already a reality, according to Oliver Cardinal, president of the recently-formed Aboriginal Disabilities Society of Alberta (ADSA).

"The goal of our organization is to remove barriers to housing and information, while improving access to services," says Cardinal. "There's all kinds of services out there, but people don't know what they are, or how to access them. They may be just barely making it at home with what they have. They don't know there's something available that will make life a lot easier for them."

According to Cardinal, most disabled Aboriginal people are uninformed about the most basic of supplies and services, such as medical products and financial assistance. He says ADSA is already attempting to address this information problem by holding workshops and conferences around the province, with the most recent locations being Saddle Lake, Cold Lake and Calgary. "We're in the process of introducing ourselves," says Cardinal, "and we're getting more and more phone calls asking for information."

ADSA's goals are ambitious. Cardinal

would like to see the organization hire a number of disabled Aboriginals as regional representatives, who would travel the province and forge links with chiefs and councils, hold workshops, meet with individuals needing assistance, and advocate on their behalf as necessary. He would also like to build a database to house information on and for his constituents.

Of course, all this requires money. The society's funding, at the moment, is limited to a small yearly grant from Indian Affairs. Cardinal says that more money is needed to hire more bodies, and he's targeted two sectors as possible funding partners.

"We've got to keep an eye on native politicians and what they're doing for handicapped people. If they're not going to do anything, maybe they'll let us do it, providing that they give us the money. As well, it would be nice if the provincial government provided some funding."

Cardinal's wish isn't as unrealistic as one might assume. The Premier's Council report *Removing Barriers* recommends supporting ADSA, and promoting its further development into an organization representing all Aboriginal people with disabilities in Alberta (currently, the society's mandate is limited to Status Indians, as stipulated by the sole funder, Indian Affairs). The government response to *Removing Barriers* indicates that funding requests will be considered, and that "in collaboration with the federal government, Aboriginal Affairs would be willing to participate."

For more information on the ADSA, contact Oliver Cardinal at 424-8116.

### The Provincial Perspective

It's been over a year since the Premier's Council released the report *Removing Barriers: An Action Plan for Aboriginal Persons with Disabilities*. This report, based on extensive consultation with consumers, analyzed in detail the complex problems facing Alberta's Aboriginal people with

disabilities, and made recommendations for change.

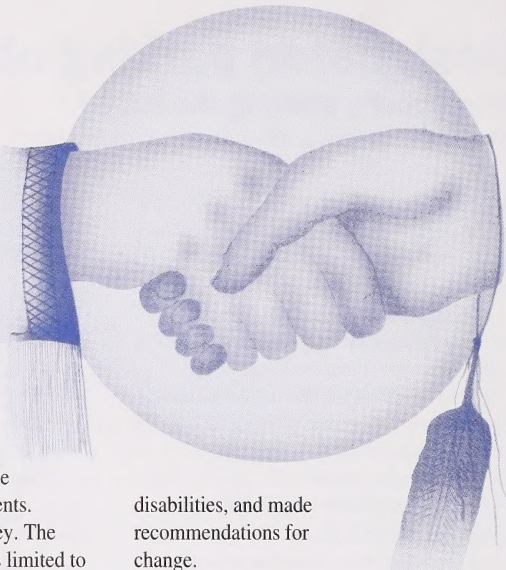
The question remains: will any action be taken as a result of this report? To coin a cliché, the Council is cautiously optimistic.

A government response to *Removing Barriers* has been completed. It's titled the *Government of Alberta Implementation Plan*, and if you're wondering why you haven't seen it, it hasn't been publicly released, because it hasn't been presented to Cabinet yet.

The *Implementation Plan* is a comprehensive response, in that it addresses each of the recommendations made in *Removing Barriers*, and spells out exactly what action is to be taken by each department.

What next? This is where some ambiguity comes into the picture. The *Implementation Plan* is currently being studied by Family and Social Services, along with Aboriginal Affairs (Mike Cardinal is the Minister responsible for both of these portfolios). Tom Ghostkeeper, Special Assistant to the Minister, feels that what will ultimately be recommended by both bodies will be a strong effort to bring the federal government to the table to share in any discussion and financing of the steps outlined in the *Implementation Plan*. Ghostkeeper, who has worked at the community level, feels strongly about the issues. "I think we should take it upon ourselves to implement the recommendations, even if the feds don't come to the table," he says.

Ghostkeeper believes the biggest hurdle facing full implementation of the recommendations will be presented "if the Plan is not well-received by Chiefs and





Councils." But he adds that should this be the case, his Minister is prepared to negotiate solutions.

Only time will tell if this entire exercise results in tangible change at the consumer level.

## The Federal Perspective

The most interesting development on the federal scene is a seldom heard of program called Pathways to Success: Aboriginal Employment and Training Strategy. In layman's terms, the mechanics of this fairly complex initiative are as follows:

- provinces and territories are divided into areas; there are eight such areas in Alberta
- areas appoint a local Aboriginal management board(s)
- some areas opt for integrated boards to represent all Aboriginal people, some opt for separate boards for First Nations and non-First Nations Aboriginals
- boards are allotted a certain amount of money (part of Canada Employment Centre dollars) to spend on training and employment initiatives for Aboriginal people in their areas.

It's no secret that unemployment for all Aboriginal people — particularly those living on reserves and settlements — is a significant problem. Pathways Aboriginal management boards are, however, being encouraged to look at the unique barriers facing those groups within the Aboriginal community who are least represented in the workforce, which are primarily women and people with disabilities.

The results are making a difference, according to Paulette Gosselin, Senior Partnerships Consultant with Human Resources Development Canada. "I believe, and I have seen, management boards making better and better decisions," says Gosselin. She points to a training program in Slave Lake as an example.

Operated by a non-profit organization called the Slave Lake Employment Enhancement Society, the program offers training and, where possible, job placement for people with mental and physical disabilities. Funding partners include Canada Employment Centres and Alberta Advanced Education and Career Development. But since two thirds of the demand for the program comes from Aboriginal people living in or around the Slave Lake area, the local (non-First Nations) Pathways management board agreed to fund the bulk of the program.

"In fact, if they had not made the contribution they had to this training, the program would have been forced to close," says Wayne Symyrozum, who, as Project Officer for Canada Employment Centre, was one of the principals responsible for developing the program.

Symyrozum continues to play an overseeing role of the program, which has just entered its second year. He says he's pleased with the net result: 15 of the program's 42 first year participants have gone on to regular employment. His one concern? "All things considered, it's still fairly expensive," he says, explaining that the total yearly cost of the program is \$170,000. But he's quick to

concede that if just one participant a year remains employed for the rest of their working life, as opposed to receiving social assistance, the program easily pays for itself.

According to Gosselin, the Slave Lake project is being seen as a model, and other Pathways management boards across the province are in the process of planning similar initiatives.

Pathways program has already been in existence for four of its five year mandate. Undoubtedly, funding with the same general intention will continue in some form, somehow mixed in with the murky waters of Aboriginal self-government.

For more information on Pathways to Success, contact Paulette Gosselin, Senior Partnerships Consultant, at 495-2082.

## Conclusion

If there is any negative side to the initiatives mentioned in this article, it is that they appear to be largely uncoordinated with each other, despite the fact that they are all intended to solve common problems. The complexity of the problems, combined with the inability of the massive bureaucracies involved to tackle the situation with any speed, undoubtedly contributes to this lack of coordination.

Nevertheless, it's obvious that steps are being taken to improve the dismal reality that is life for many of Alberta's Aboriginal people. The Premier's Council will attempt to remain abreast of these and other initiatives and will pass along any relevant information in future issues of *Status Report*. ♦

- Cliff Bridges

# Canada Pension Plan update

## Program attempts to get people back to work

In 1992, the Canada Pension Plan (CPP) paid out a whopping \$1.8 billion in disability benefits to about 225,000 people. CPP estimates that 15% to 25% of these people have some ability to work.

In an effort to get these people back on the job, CPP has introduced a trial program to provide thorough rehabilitation and employment services. The goal is to give people every edge they need to become self-sufficient, in the process saving CPP a great deal of money.

If it works, the trial is likely to be expanded on a national scale. However, rumours persist that the trial isn't faring very well, as the people involved are afraid of the long term implications of losing benefits.

Meanwhile, in the "it's news to us" category, people with disabilities who are receiving CPP payments can earn up to \$8,000 a year before their benefits will be cut off. The news comes from Mr. Pierre Fortier, Director General of Policy and Legislation for the Income Security Branch of Human Resources

Development Canada, via an article in *Ability and Enterprise*, the newsletter of the Canadian Council on Rehabilitation and Work. This should encourage some people on CPP to take some steps back into the workforce without fear of reprisal.

The upcoming public consultation on Canada's social security system (see page 4) should give concerned Canadians a chance to have their voices heard on the issue of CPP disability benefits and all other forms of income support. ♦



# Employment equity in Ontario

## Province becomes first in Canada to enact equity legislation

**P**remier Bob Rae and his government have made employment equity legislation a reality in Ontario, becoming the first province in Canada to implement such law. The question is: will it really result in significantly increased workforce participation by underrepresented groups?

The goal of the Employment Equity Act, which came into effect on September 1, is to increase the number of people with disabilities, women, Aboriginal people and members of racial minorities in both the private and public sectors. How will this end will be achieved? There are no quotas or goals that employers must comply with. The approach enforced by the Act is that employers must take part in a somewhat nebulous equity awareness campaign, which must be completed within specific time frames, depending on the number of employees in their workforce.

The campaign appears to have four basic steps that employers will be required to follow. The first is informing employees about employment equity principles and process, presumably through training sessions and publications. This is followed by a survey to determine how many people from each of the underrepresented groups are employed by the company or organization. Next, employers must review workplace policies and practices to identify barriers facing people in the designated groups. Finally, each employer must prepare and file a plan that outlines how they will remove those barriers.

The Ontario public service will lead the way, with an employment equity plan in place by September 1, 1995. Municipalities, universities, colleges, school boards, hospitals, and other employers in the broader public service that have more than ten employees will have until March 1, 1996 to have their

employment equity plans in place.

Private companies with more than 500 employees also have until March 1, 1996 to develop their plans. Companies with 100 to 499 employees have until September 1, 1996, while small companies with 50 to 99 employees will have until September 1, 1997



*Will Ontario's employment equity legislation really result in more employers accommodating workers with disabilities?*

to implement their plans. (Companies with less than 50 employees and broader public sector employers with less than ten employees are exempt from complying to the Act.)

Employers failing to meet the requirements of the Act can be brought before an Employment Equity Tribunal, which will have the power to levy fines of up to \$50,000 for non-compliance. But keep in mind what constitutes

non-compliance. Essentially, it appears employers can only be fined if they refuse to carry out the components of the awareness campaign, of which the most costly and labour intensive would appear to be preparing and submitting a report by the required deadline.

In other words, a company can file a brilliant plan for removing barriers to employment, which may include, for instance, widening all doors in a set of offices to provide access to a worker who uses a wheelchair. But there is absolutely nothing in the Act that says the employer now has to hire that person.

Sound familiar? Indeed, Ontario's Employment Equity Act is very similar to the Federal Employment Equity Act. There appear to be two main differences. First, Ontario's act applies to both public and private sector employers, while the federal act applies only to public service and federally regulated businesses like banks. Second, private employers with more than 50 employees have to comply with Ontario's act; the federal act is limited to businesses with more than 100 employees.

Regardless of these structural differences, it's obvious that Canadian legislators prefer the method of applying persuasion rather than edict to the employment equity issue. In essence, both Acts seem to be in place to force employers — and employees — to learn about

employment equity. They will not force quotas on any employer. But the architects of the legislation appear to be making the assumption that the bulk of the province's employers, once brimming with awareness, will recognize the importance of doing the right thing.

How long do Canadians with disabilities have to wait for improvement? ♦



# The accessibility trend

## Two new Alberta B & B's go barrier-free

For the able-bodied traveler, bed and breakfasts have become an attractive alternative to hotels. In recent years, B&B's have proliferated here in Canada and around the world. Reasonable cost and their informal atmosphere (B&B's are usually people's private homes) are probably the main reasons for their popularity.

Perhaps the only downside to B&B's is a lack of accessibility, particularly for people who use wheelchairs. But at least two Albertan families have recognized that problem and, in doing so, have spotted a niche market.

Five years ago, Vic and Marie Newman started a berry farm on a quarter section of land bordering Hastings Lake, just south of Sherwood Park. Visitors to the farm suggested it would be an ideal setting for a bed and breakfast. The idea took hold, and construction began two years ago.

Marie has MS and uses a wheelchair, so the barrier-free concept was a natural extension of her own needs. The cost for conversion was about \$150,000, of which Alberta Economic Development and Tourism kicked in a \$35,000 grant.

In June, the Berry Inn was officially opened. "Everything is fully wheelchair accessible and 100% barrier-free," says Vic. A quick tour of the facility leaves no doubt as to his claim. A ramp leads from the parking lot to the lower floor, where the eight guest rooms are located. An elevator provides access to the upstairs lounge overlooking a waterfall and pond. All entrances, fittings, and bathrooms throughout the home are completely accessible.

Outside, there's 10,000 square feet of paved patio and parking lot. The house is in the midst of a lush, park-like setting. Vic's future plans include building paved trails to the edge of Hastings Lake and throughout the woods and berry fields on the property. "We wanted to not only provide a B&B for people with disabilities," says Vic, "but also be a recreation area for disabled groups."

While Strathcona might not yet be an internationally known holiday destination, Canmore, tucked into the eastern slopes of the



*The Amble-In is nestled between towering spruce trees in picturesque Canmore, on the eastern slopes of Alberta's Rocky Mountains.*

Alberta Rockies, certainly is. Just over an hour away from Calgary, Canmore is a short drive from many major tourist attractions, the likes of which include Lake Louise, Columbia Ice Fields, Banff, and Kananaskis Country.

With local hotels and motels providing only a minimum of accessibility, and no accessible B&B's, the area was ripe for Amble-In, a completely barrier-free home built among huge spruce trees bordering the Bow River and Policeman's Creek.

Owners Ed and Joanne Rogers have truly made the Amble-In a study in accessibility. The home is fully wheelchair accessible, with easy to operate light switches and door handles, as well as a bathroom equipped with roll in shower. But it doesn't end there — the Amble-In is equipped with a visual smoke alarm system and an amplified telephone for guests with hearing loss.

Huge decks provide a clear vista of the breathtaking views. Accessible walking trails are nearby, and the town center is within easy walking or wheeling distance.

Joanne explains that her disability awareness comes from personal experience — her mother used a wheelchair for some time,

and her daughter, who has severe dyslexia, spent several years at Edmonton's Glenrose Rehabilitation Hospital. "I personally know what it's like to cope with a disability when traveling," she says.

Both the Newmans and the Rogers say they are doing a brisk trade, and that the word is spreading. Hopefully, other B&B operators will be wise enough to jump on the bandwagon. ♦

### The Berry Inn

Owned and operated by Vic and Marie Newman  
Rates: \$60 to \$75 per night, based on double occupancy  
51271 Range Road 203  
Sherwood Park, Alberta  
T8G 1E8  
Phone: (403) 662-3313

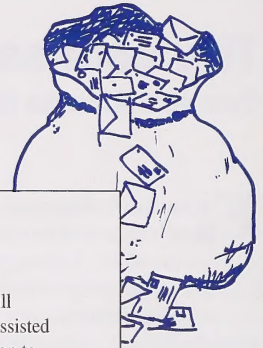
### Amble-In

Owned and operated by Ed and Joanne Rogers  
Rates: \$60 to \$75 per night, based on double occupancy  
Box 744 438 - 2nd Street  
Canmore, Alberta  
T0L 0M0  
(403) 678-6497



# The Mailbag

## Your comments about what you've read in *Status Report*



June 14, 1994

I was pleased to see that the Premier's Council is taking an active role in stimulating discussion on the assisted suicide bill (Euthanasia, Eugenics, and Assisted Suicide, *Status Report*, August 1994). As you know, I am strongly opposed to any assisted suicide permission legislation that creates a separate class of people with disabilities or gives physicians special permission to kill as a medical procedure.

There are a few points that I feel need clarification:

1. You correctly point out that many people are confused about what is eugenics, euthanasia, and assisted suicide. However, it may be helpful to point out that these have never been clearly differentiated in practice. For example, the Nazi's called their T-4 killings "assisted death"; every individual was examined by a doctor and it was determined that he or she had no potential future quality of life before killing. Karl Brandt, executed for his role after the war, clearly believed that he was conducting an assisted suicide program for the benefit of the people he killed. Similarly, the current Dutch experience has shown that it is impossible to separate these three concepts. Since the inception of assisted suicide legislation, the courts have consistently widened the boundaries to include the killing of large numbers of people who have not requested to die. Most recently (June 22, 1994), the Dutch Supreme Court ruled that mental disabilities, even for individuals who are otherwise healthy and able, represent appropriate reason for assisted suicide.
2. Along these same lines, the definition of the word euthanasia is correct, but this meaning is one that has only come into being. It is still listed as a third definition in the Oxford English Dictionary. This blurring of meanings is further evidence of the lack of real borders among the three.
3. You mention that since doctors swear to preserve life, they cannot participate in assisting suicide. The oath is, in fact, much more specific: "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect."
4. It is important to discuss current Canadian assisted suicide legislation. Canada has a specific statute that makes it a crime to assist any person in suicide. The offense is punishable by 14 years in prison. It was necessary to bring in this law after suicide was legalized in Canada since, without the law, it would be possible to defend many murders as "assisted suicide". This provides vital protection for all Canadian citizens against being murdered. If people with disabilities do not need that protection, why does everyone else need it?
5. Suicide prevention is identified as an important goal for Canada. We respond to the adolescent suicide problem with prevention programs, not suicide assistance. We respond to the Aboriginal people's suicide problem with prevention programs, not suicide assistance. Why should our response to people with disabilities be different?
6. The principle of choice is an important one, but the illusion of choice is seductive. Until we offer people life with dignity, how can we pretend death with dignity provides a choice?

I have given a lot of thought and study to this issue and I am convinced that this legislation would be a major catastrophe for most people with disabilities. For a small number, it will give them easier access to a painless death. For several times that number (based on Dutch statistics), it will lead to someone else deciding to kill them. For many times that number, it will lead to legitimization of other forms of maltreatment. For virtually everyone, it will lead to deteriorating services and fewer options.

I applaud your efforts to put this issue out for discussion. I believe that if the issues are carefully discussed, no disability-based assisted suicide legislation will be passed. If this issue is truly about choice, it will be addressed without a disability-based law.

Dick Sobsey, Professor  
Abuse & Disabilities Project, Developmental Disabilities Centre  
University of Alberta

Your letters to the editor are welcome. While the Premier's Council on the Status of Persons with Disabilities reserves the right to edit any published letters for length and clarity, every effort will be made to preserve their original intent. Address your letters to: Editor, Status Report 250, 11044 - 82 Avenue Edmonton, Alberta T6G 0T2



# New drugs battle schizophrenia, MS

## Edmonton one of twelve Canadian test centres

**T**wo new drugs to battle schizophrenia are being tested at the University of Alberta.

Preliminary results indicate that Sequoel and Sertindole are very effective in reducing and eliminating psychotic episodes for some people with schizophrenia, according to Dr. Peter Silverstone, associate professor of psychiatry at the U of A.

The bonus with these two drugs is that they have no uncomfortable or dangerous side effects, which was a serious problem with earlier schizophrenia medications.

Silverstone has twelve people taking part in the study, which is being done in collaboration with Alberta Hospital

Edmonton. He says that one-third of those testing the drugs have had a very good response, and that many of those who haven't responded well have not responded to any other type of drug.

Silverstone cautions that the drugs are only an improvement, and that they won't help all people with schizophrenia.

He is, however, very optimistic about the future of treating schizophrenia. "There will be in the next five years some very major advances, I think," he said in a recent article in the *Edmonton Journal*.

In another development, it was recently announced that two new drugs have been discovered to reduce the frequency of

symptom attacks in one kind of multiple sclerosis. Copolymer I has been found to reduce the number of attacks experienced by people with relapsing MS. The other drug, called interferon betala, not only reduces the number of attacks, but also delays increases in chronic long-term disability, according to the principal investigator, Dr. Lawrence Jacobs.

Stephen Reingold, vice-president for research and medical programs at the U.S. National Multiple Sclerosis Society, says no other drug has been found to delay the progression of chronic disability.

The work was reported October 10 at an annual meeting of the American Neurological Association in San Francisco. ♦

## Following the letter of the law (continued from page 1)

spokesperson for LDAA. "We're concerned about accountability and about the atmosphere that gets established when you have school boards deciding to disregard School Acts. We think that erodes the quality of education for all students, as well as students in special education."

Specifically, Dowie believes that when boards choose to loosely interpret or ignore the School Act, then program standards aren't guaranteed. In an August 30 *Edmonton Journal* guest editorial, Dowie wrote, "The education of every child becomes subject to the value judgments of school boards, superintendents and principals. The quality of instruction could vary greatly from district to district." She also contends that currently, school principals do not always spend the dollars allocated to a special education student on services directly related to the instruction of that student.

As a parent of a child with a learning disability, Edmonton lawyer Ken Chapman followed the case with a great deal of interest. Chapman feels that Justice Nash's decision will see school boards become increasingly

accountable to Alberta Education, with the net result being much more careful decision-making when it comes to funding issues, particularly for special needs students. Chapman also feels that the ruling will result in increased accountability by Alberta Education to students and their families. "There's a very clear message to the government here. In their own act, they said that grants come on a per student basis, and the money follows the student. And that means that there has to be some credence given to the rights of the student, as an individual, to an education, and to meeting those rights."

Rights of the student, according to Dowie, are an integral part of LDAA's ultimate goal. "I think that something that has not been defined very clearly within the School Act is what 'opportunity for education' is. It's a pretty loose term. That's what we'd like to do with Alberta Education and school boards — work out what's essential for students with learning disabilities."

As of press time, this story was far from over:

- LDAA was seeking a court order to force Edmonton Public to pick up its legal costs on the grounds the board ignored the legal opinion from its own lawyer before proceeding with the diversion of funds scheme.
- Edmonton Public initiated an appeal of Judge Nash's ruling.
- The Public School Boards' Association of Alberta, which represents 28 boards (including Edmonton and Calgary), was proceeding with its legal challenge of the province's new School Act, arguing that it undercuts their ability to respond to local concerns.
- Alberta Education was beginning its attempt to quash portions of the Public School Boards' Association lawsuit, arguing that they have no legal merit and should be thrown out.

Of course, all this begs the obvious question: How much money is being diverted from student programs to support these legal challenges and counterchallenges?

- Cliff Bridges





## Nightmare at Boston U

### Bogus operations lead to lawsuits

The scene is a prestigious and venerable medical institution. There, a doctor performs experimental surgery on 26 people with spinal cord injuries. The complicated procedure, which has never been proven even in lab animals, involves detaching the omentum (a portion of the gut) and snaking it through the body to the lesion site on the spinal cord. The doctor theorizes that omentum, which is rich in blood and may secrete growth "vitamins", will promote regeneration and restoration of function, including walking. Lo and behold, no one walks. Some get worse.

Sound like Stephen King's next script? Well, this actually took place at Boston University's Medical Center. Beginning in 1992, Dr. Harry Goldsmith performed the

experimental technique on 26 individuals who coughed up \$50,000 apiece for the honour. For the most part, the participants were recruited by Barbara Devine, who operated a physical therapy clinic (called the Walk Back clinic) in Houston, Texas.

When it became apparent that the operations were a bust, the Massachusetts Attorney General's office received several complaints that Devine lied about her credentials, vastly oversold the program and overpromised results. Subsequently, the university stopped the surgeries last fall. This April, the state ordered BU to refund all patient fees for the surgery. The basis of the complaint was that Devine told people the operation would enable them to walk, and, while not directly employed at BU, as a

recruiter for the program she was seen as an agent of the university.

What began as a nightmare for the participants now belongs to the university — several multi-million dollar lawsuits have been filed by individuals, alleging that BU had an obligation to protect them from exploitation and harm. Yes, participants signed informed consent forms, but were they fully informed?

There should be an obvious lesson here for careless institutional review boards, which decide the fate of experimental procedures, as well as people so desperate for a cure they are willing to throw caution, logic and, sadly, even their own well-being to the wind in the hopes of walking again. ♦

## Call for nominations

### Your opportunity to influence government policy

The Premier's Council is seeking nominations from qualified Albertans to fill a number of vacancies. Interested individuals are invited to submit a resume and nomination form by December 15, 1994.

Council Members serve three year terms. Necessary qualifications include a well-rounded knowledge of disability issues, a cross-disability perspective, and a proven track record in community leadership.

Successful candidates will join a diverse group of individuals which provides the Council's secretariat with direction and advice as it, in turn, pursues its mandate of guiding the government on issues affecting Albertans with disabilities.

To receive blank nomination forms or further information regarding the nomination process, please contact the Premier's Council office, as listed to the right. ♦

Is your association or agency sponsoring a provincial or national conference or workshop? If so, please forward the pertinent information to:

The Premier's Council on the Status of Persons with Disabilities  
250, 11044 - 82 Avenue  
Edmonton, Alberta T6G 0T2  
Tel: 422-1095 (Edmonton)  
or 1-800-272-8841 (rest of Alberta)  
Fax: 422-9691

## The last word

"The brain is a wonderful organ; it starts working the moment you get up in the morning and doesn't stop until you get to the office."

— Robert Frost